

**DRAFT**



United States Department of Agriculture  
Forest Service

# Baldy Mountain Vegetation Management Project

## **DRAFT** Decision Notice

Columbine Ranger District, San Juan National Forest,  
Archuleta County, Colorado

Township 38 North, Ranges 5&6 West, N.M.P.M.

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JAMES SIMINO  
Columbine District Ranger

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DATE



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## Background

The Baldy Mountain Vegetation Management Project Environmental Assessment (EA) associated with this Decision Notice documents the Proposed Action, which was analyzed in detail for resource impacts associated with proposed vegetation management in the project area, including harvest of dead and green timber. The EA can be obtained at the Columbine District Office or online (see contact information at the bottom of this document). The project area is located on the Columbine Ranger District of the San Juan National Forest (SJNF). The project area encompasses approximately 2,400 acres of federal lands in the Beaver Meadows area, within Archuleta County, Colorado, Township 38 North, Ranges 5 & 6 West, N.M.P.M.

## Public Involvement and Tribal Consultation

The proposal was listed in the SJNF's Schedule of Proposed Actions beginning in December 2018. Scoping input was received through January 2019, as a result of a press release, and letters and e-mails to adjacent landowners and subdivisions, those who had previously expressed interest in the project, and other parties that could be effected by the proposal. Responses were received from approximately six sources. Scoping comments were used to identify issues to be discussed in the EA.

In February of 2018, the SJNF conducted tribal consultation with 26 Tribes that are culturally affiliated and traditionally associated with SJNF concerning the vegetation management of the *Vallecito-Piedra Integrated Vegetation Management Project*. This project falls within the boundaries of the aforementioned project, and for cultural resource purposes, is treated as an implementation project in accordance the Programmatic Agreement regarding vegetation management projects. During this consultation, two tribes responded, requesting additional information.

Opportunities for public comment continued for a 30-day period beginning in July 2019 following the issuance of the EA in pre-decisional draft form. The comment period was announced with a press release, direct mailing to those who previously showed interest, and a legal notice in the *Durango Herald* newspaper. Written comments in response to the draft EA were received from five sources. A Forest Service response to those comments is posted on the website, located in the project file, and available upon request. Key comments and how they were considered in this decision are discussed below in the rationale section of this Decision Notice.

## Decision and Reasons for the Decision

### Decision

The proposed action would meet the need to create young, open conditions currently missing within the spruce-fir forest type in the Baldy analysis area and surrounding landscape. These harvests would bring young forest structural stage proportions within the surrounding forest landscape to within approximately 5% of the target for this forest development stage. The objectives of the Baldy Mountain Vegetation Management Project are to:

- Manage forest vegetation in areas identified for regularly scheduled commercial harvests in the San Juan Land and Resource Management Plan (Forest Plan).

- Provide forest products to meet local demands for both commercial industry and personal use.
- Provide adequate flexibility to address the uncertainty in future bark beetle population growth, spread, and associated tree mortality, as well as other associated forest health concerns.
- Lead to the development of viable sales of forest products that allow for harvests over a reasonably large proportion of the project area.
- Temporarily increase forage production for livestock and wildlife.
- Use the value of forest products sales to fund reforestation in stands lacking young trees, to manage noxious weeds, and to maintain roads and trails.

Based upon my review of the EA, the project record, internal specialists input, and the comments received during scoping and the 30-day public comment period, I have approved the Proposed Action.

In brief, this Decision authorizes the following key management actions:

- Salvage and sanitation harvest of dead and beetle infested spruce trees on up to 2,400 acres.
- Harvest of dominant and co-dominant green spruce trees on up to 850 acres.
- Improvement cutting of lightly infested mature, closed-canopy forest on up to 850 acres.
- Reforestation to meet Forest Plan standards, planted with locally sourced native seed.
- Use of up to approximately 11.3 miles of existing non-system road.
- Construction of up to approximately 1.25 miles of new temporary road.
- Use of up to approximately 13.3 miles of open and closed system roads.
- Associated system road maintenance, decommissioning or rehabilitation of non-system roads and skid trails
- Off-site mitigation for the improvement of watershed conditions in the form of hardening stream crossings of system trails in the vicinity.
- Treatment of noxious weeds has been previously approved.

Details and further descriptions of actions included in the Proposed Action can be found in the EA. See Figure 1.

Design Criteria were developed to ease some of the potential impacts. These are part of my decision and are required to be implemented, unless a waiver is granted in writing by the District Ranger. Waivers may be granted due to changing or unanticipated conditions, such as unusual weather conditions, provided that environmental consequences would be within the range of impacts analyzed in the EA.

## Design Criteria

### *Vegetation*

1. Where present, healthy young trees (generally < 8-10" dbh) will be retained during proposed harvests in stands that are dying from insect, disease and fire.
2. Protect spruce and fir regeneration and retain scattered snags during harvest operations.

3. Stumps from cut trees should not exceed 12" height above ground as measured from the uphill side.
4. Removal or mechanical treatment of riparian or wetland vegetation such as willows or cottonwoods will be prohibited.
5. Pre-treatment of known noxious weed populations will occur before project implementation. All equipment brought into the project area will be cleaned and inspected prior to operating. Post-treatment of noxious weeds will occur once the project is completed; infestations of noxious weeds will be inventoried, monitored, and treated as necessary within the project area after the project is complete.
6. Seed mixes will emphasize native species as directed in Forest Plan Guideline 2.2.84, "Certified, weed-free native seed mixes of local ecotypes should be used to revegetate terrestrial ecosystems where commercially available. Non-native, non-invasive plant material may be used in limited situations where considered necessary in order to protect resources and/or stabilize soils in a timely fashion. Persistent non-natives or invasive exotic plant species should be avoided."

## Soils/Watershed

7. Refer to and follow all applicable management measures and design criteria from the *Region 2 Watershed Conservation Practices Handbook (FSH 2509.25)*.
8. Refer to and follow all applicable best management practices outlined in technical guide *FS-990a, National Best Management Practices for Water Quality Management on National Forest System Lands (USDA 2012a)*. This will include those listed for Mechanical Vegetation Management Activities (pages 128-140).
9. Heavy equipment and vehicles will be prohibited in the water influence zone unless the ground is protected by either one foot of packed snow or two inches of frozen soil. Intermittent and perennial streams with riparian vegetation will have a buffer strip width of 100 feet on each side of the channel. Wetlands will have a buffer zone distance equal to two times the maximum diameter of the wetland up to a maximum of 100 feet. Natural ponds and stock ponds will have a 150-foot buffer area around the outermost perimeter (i.e. high water line and any adjacent wetlands). No-equipment buffer zones do not apply to designated stream crossings. Limit stream crossings to the minimum number necessary and cross perpendicular to the direction of flow. Do not cross streams where banks exceed a 30% slope.
10. Limit equipment operations to sustained slopes less than 35%.
11. Limit soil disturbance to less than 15% of the treated area.
12. When soils are saturated, equipment operations will cease until the ground dries out or freezes. Soils are considered saturated when ruts created by equipment are four inches deep (beyond the lug tread of the tire) for 10 feet or longer. This condition should be widespread in the treatment units and not in isolated depressions.
13. Avoid fens, wetlands, and wet meadows during harvest, thinning, and other mechanical activities. If temporary access is required through these areas, use mats or raised prisms with diffuse drainage to sustain flow patterns. No skidding, decking or loading will be



allowed in these areas in order to protect water quality, groundwater hydrology, existing soils and vegetative cover.

14. Landings and skid trails will be located and designed to disperse runoff and minimize soil disturbance. Landings should not be located in the water influence zone. Roads and skid trails adjacent to the landings will be cross-drained or shaped so that runoff does not reach the landing. Skid trails will be located perpendicular to slope angles (along the contour) as much as possible. Avoid skidding up or down drainage bottoms. At project conclusion, landings and skid trails will be ripped or scarified, seeded, and slash spread on them, and waterbars installed and out-sloped as needed.
15. Slash will be distributed throughout the cutting units to protect soils from erosion and retain nutrients and organic matter on site, and should not exceed three feet in depth or should be piled and burned. Slash piles will not be located or burned within 25 feet of any perennial or intermittent drainage or wetland. Logging debris may not enter perennial or intermittent stream courses to an extent that it adversely affects the natural flow of the stream or diminishes water quality.
16. Temporary roads shall be held to the minimum feasible number, width and total length and shall be located sufficiently far from streams and other water bodies to minimize discharge into those waters except at necessary water crossings. Stream crossings will be installed on straight and resilient stream reaches as perpendicular to flow as feasible. Maintain stream channel width, depth and slope. Culverts placed within the drainage network will be positioned at the natural grade of the drainage and will not be modified (i.e. raised or lowered) to maintain the grade of the road. Culverts will be hydrologically designed to accommodate the 25-year flow event and be hardened at the outlets to prevent down-cutting.
17. Proper drainage will be constructed or reconstructed on existing and temporary roads that will be used. Some road sections may need to be realigned out of low-lying areas in order to allow the road to drain properly. Road-stream crossings and dips through habitually wet areas on roads open to motorized public use will be hardened. Wattles and straw bales will be installed and cleaned as needed at the outlets of all water bars and dips during and immediately after treatment operations. All drainage structures on roads should be inspected at treatment completion to ensure they are in good condition and functioning properly.
18. At the conclusion of the project, all temporary roads will have culverts removed; the travelled road surface will be ripped, cross-drained, covered with slash or mulch, and seeded with native seed mix. Where possible and consistent with the *Columbine District Travel Analysis Process (USDA 2011b)*, road prisms will be recontoured and the natural hydrology restored. A combination of physical travel barriers such as non-drivable waterbars, boulders and cull logs will be placed at the intersection of open roads to prevent future public motorized use.

## Wildlife

19. Except for purposes of safety, no ponderosa pine or Douglas fir snags 16" dbh or greater will be cut.

20. Where possible, retain green trees with spiked tops, cavities, lightning scars, etc. Regardless of size, trees with apparent multiple cavities should be retained if possible during operations.
21. If an active raptor nest is discovered during layout or implementation, the district biologist will be consulted for mitigation actions.
22. No treatment will occur within 300 feet of potential southwestern willow flycatcher habitat.
23. Field crews will be trained to identify goshawks. If an active goshawk nest is discovered, treatments will be modified to be consistent with Forest Plan requirements.
24. To retain wildlife habitat diversity and hiding cover, harvests will attempt to retain existing patches of young trees of varying sizes where they are present within the project area. Additionally, harvest unit area, type (salvage harvest, green overstory harvests and improvement cutting), and shape will be intentionally varied across harvest areas to maintain a range of habitat conditions.
25. In mapped elk production areas and lynx habitat, operations will generally be limited to no more than one active work location at one time between May 15 and June 30. Specific work locations during this time frame will be authorized by the District Ranger, considering conditions at the time.

## *Recreation*

26. Any Forest Service system trails that are used for access routes or skid trails will be rehabilitated upon completion of use by returning them to the original width and grade. Reseeding and spreading of slash will be needed to achieve the desired results for width.
27. Temporary roads and skid trails will be rehabilitated upon completion of use by installation of water bars, barriers, boulders, targeted reseeded, and/or signs to control unauthorized vehicle use.
28. If winter snowplowing is to take place for project operations, coordination and communications with recreational snow-grooming operators will occur.

## *Visual Quality*

29. Retain windfirm green trees to maintain visual screening dispersed along open roads and trails where there are sight line or travel management concerns.
30. Cross-country and overland vehicular travel will be rehabilitated as necessary to discourage public use by Off-Highway Vehicles, prevent erosion, and limit noxious weeds.

## *Cultural Resources*

31. Avoid known eligible cultural sites as indicated in the cultural clearance report. Should this not be possible, the district archeologist will be consulted and will provide appropriate mitigation measures to protect eligible resources.

32. Traffic will be prevented from eroding intact deposits within Site 5AA1655 along the Baldy Mountain Road.
33. The district archaeologist will be provided 18 months to complete Section 106 compliance work and cultural resource surveys within areas of potential effect, as specific work areas and projects are identified. Section 106 compliance work will be completed, including the development of mitigation measures for cultural resource protection and any required consultation, within these areas of potential effect prior to any proposed action implementation.
34. Should any cultural site be encountered during project implementation, it is to be avoided and reported to the district archeologist.

### *Miscellaneous*

35. Section corners and survey monuments will be protected.
36. Fences and other structural improvements will be protected from project activities, and/or repaired by the contractor if project activities impact them.
37. Provide opportunities to the local community for public fuelwood gathering, with an emphasis on providing a variety of wood species.
38. Monitoring photo points will be established prior to operations and re-taken at intervals after the conclusion of operations.

### **Rationale, Consideration of Comments, and Other Alternatives Considered**

Factors I considered in making my decision included the need for the action, analysis of impacts by Forest Service staff specialists, consequences of implementing the proposed action, consequences of *not* implementing the proposed action, best available science used in the analysis, and issues and public comments.

I have selected the Proposed Action because it is implementing guidance established in the Forest Plan. It is important to me that wood products are provided to the small local operators and mills in the area so that the industry is kept viable. Without a viable timber industry, there would be no option for conducting vegetation management on the forest at an effective scale. The timber products to be removed are all located within suitable timber base as identified in the Forest Plan.

I closely considered comments that were received from the public. Two comments were from individuals, one was from a timber industry group, one was from the state wildlife agency, and one was from a recreation user-group. I took these comments into account. One of the individuals was opposed to use of glyphosate herbicide; however, that concern is beyond the scope of actions I am authorizing in this decision. The comment from the user-group was regarding addition of trails, which is also beyond the scope of this decision. The other individual was concerned with harvest of green trees. My staff and I considered those comments and held discussions with the commenter, and concluded that his concerns are not applicable at the small scale of this project, when considered in relationship to the surrounding larger landscape, which is not receiving any harvest. The industry and state commenters were generally supportive of the project, with suggestions, some of which were incorporated into Design Criteria. I have



concurred with the state's suggestion to limit work locations to only one site during elk calving season for this project. I would like to point out that this is due to site-specific circumstances of this project in relationship to others in close proximity, and should not be considered a precedence for future vegetation projects. The need for the project and the benefits that it will create outweigh the short-term negative impacts. Please refer to the *Response to Comments* document for a point-by-point response.

## Finding of No Significant Impact (FONSI)

As the responsible official, I am responsible for evaluating the effects of the project relative to the definition of significance established by the CEQ Regulations (40 CFR 1508.13). I have reviewed and considered the EA and documentation included in the project record, and I have determined that the Baldy Mountain Vegetation Management Project will not have a significant effect on the quality of the human environment. As a result, no environmental impact statement will be prepared. My rationale for this finding follows.

Context is a measure of the effects of the project related to the local, regional, and larger scales. This project has a very limited context because the 2,400 acres project area is only a minor portion of the larger 52,000 acre Beaver Meadows landscape, or the 764,000 acre Columbine Ranger District. Intensity is a measure of the severity, extent, or quantity of effects, and is based on information from the effects analysis of this EA and the references in the project record. None of the resources analyzed in this EA identified effects that were substantial enough to raise concerns to the level of significant.

The effects of this project have been appropriately and thoroughly considered with an analysis that is responsive to concerns and issues raised by the public. The agency has taken a hard look at the environmental effects using relevant scientific information and knowledge of site-specific conditions gained from field visits. My finding of no significant impact is based on the context of the project and intensity of effects using the ten factors identified in 40 CFR 1508.27(b):

*Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.*

I have acknowledged both the negative and positive effects of the proposal and have disclosed those effects in the EA.

*The degree to which the proposed action affects public health or safety.*

I have acknowledged that there are minor risks to public safety due to increased logging traffic. On the other hand, removal of dead timber will reduce the risk to the public from standing dead hazard trees. Both of these affects are of a small scale.

*Unique characteristics of the geographic area such as the proximity to historical or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*

There are no parklands, prime farmlands, wild and scenic river, or ecologically critical areas in the project area. Impacts to historic and cultural resources, and to small wetlands that may exist in the project area will be insignificant or avoided, as described in the EA analysis.

*The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

The term “controversial” in this context refers to cases where substantial scientific dispute exists as to the size, nature, or effects of a major Federal action on some human environmental factor, rather than to public opposition of a proposed action or alternative. There was no scientific controversy raised during the planning process.

*The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

The Forest Service has considerable experience with the types of activities to be implemented. The effects analysis in the EA show that effects are not uncertain or unknown.

*The degree to which the action may establish precedent for future actions with significant effects or represents a decision in principle about a future consideration.*

The action will not establish precedent because future decision for other projects will require their own analyses and decisions.

*Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.*

The cumulative impacts are not significant, as described in the analysis of impacts in the EA.

*The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.*

The project will be implemented under a phased cultural protection process, per a Programmatic Agreement with SHPO. Site-specific field surveys, records searches, compliance work, and consultation with SHPO and tribes will be completed as needed for each undertaking with the project area prior to implementation.

*The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.*

Biological Assessments were completed for plants, animals, and fish, and it was determined that there is no habitat for federally listed plants or fish in the project area. There is habitat for the threatened Canada lynx in the project area, and a determination has been made that the project “may adversely affect” the lynx; consultation with USFWS regarding this species has been conducted, and Conservation Recommendations have been adopted into the Design Criteria.

*Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

The project does not violate any known environmental law, regulation, or policy.

## Findings Required by Other Laws and Regulations

This decision to authorize the proposed action is consistent with the intent of the Forest Plan's long term Desired Conditions and Objectives. The project was designed in conformance with land and resource management plan Standards and Guidelines. The Forest Plan provides the framework for the action proposed here, and the Columbine District is undertaking the action as one step in implementing the Forest Plan, as required by the Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA, P.L. 93-378) and the National Forest Management Act of 1976 (NFMA, P.L. 94-588).

The FONSI summarizes why the project will not have a significant effect on the quality of the human environment. The FONSI includes a discussion of the context and intensity of the project impacts, and how the project is in conformance with other laws and regulations.

The project complies with requirements of the National Environmental Policy Act, the Clean Air Act, the Clean Water Act, the National Forest Management Act, the Endangered Species Act, and the National Historic Preservation Act, among others.

The project is in compliance with Executive Order 12898 on Environmental Justice: according to US Census Bureau 2010 data, the populations of Archuleta County, La Plata County, Durango, Bayfield, and Ignacio are not predominantly minority or low-income populations.

All practical means to avoid or minimize environmental harm have been adopted in the design of the selected alternative. My conclusion is based on an evaluation of the record that shows a thorough review of relevant scientific information, a consideration of responsible opposing views, and the acknowledgement of incomplete or unavailable information, scientific uncertainty, and risk. The environmental analyses disclosed in the EA identify the effects analysis methodologies, reference scientific sources which informed the analysis, and disclose limitations of the analysis.

## Administrative Review or Objection Opportunities

This draft decision is subject to administrative review (objection) pursuant to 36 CFR Part 218. For this project, 36 CFR 218 Subparts A and B apply.

After this draft Decision Notice/FONSI and Final EA are made available to the public, a legal notice announcing the objection period for this project will be published in the *Durango Herald* newspaper, which is the newspaper of record. Objections must be submitted within 45 calendar days following the publication of this notice in the *Durango Herald*. The publication date in the newspaper of record is the exclusive means for calculating the time to file an objection. Those wishing to object should not rely upon dates or timeframe information provided by any other source. The regulations prohibit extending the time to file an objection.

Objections will only be accepted from those who have previously submitted specific written comments regarding the proposed project during scoping or other designated opportunity for public comment in accordance with 36 CFR 218.5(a). Issues raised in objections must be based on previously submitted timely, specific written comments regarding the proposed project unless based on new information arising after designated comment opportunities.

Objections, including attachments, must be in writing and filed with Objection Reviewing Officer, Forest Supervisor Kara Chadwick as follows:

Postal service and street delivery address:

Objection Reviewing Officer,  
Forest Supervisor Kara Chadwick,  
San Juan National Forest,  
15 Burnett Court,  
Durango, CO 81301

Hand-delivery is accepted Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding holidays.

or via FAX: 970-385-1386

or via Email: *r02admin\_review@fs.fed.us*

Electronically mailed objections must be submitted in an email message, plain text (.txt), Word (.doc or .docx), Portable Document Format (.pdf), or Rich Text Format (.rtf) file formats.

The objection must contain the minimum content requirements specified in §218.8(d) and incorporation of documents by reference is permitted only as provided in §218.8(b). It is the objector's responsibility to ensure timely filing of a written objection with the reviewing officer pursuant to §218.9. All objections are available for public inspection during and after the objection process.

At a minimum an objection must include the following (36 CFR 218.8(d)):

- 1) The objector's name and address, with a telephone number, if available;
- 2) a signature or other verification of authorship upon request (a scanned signature for Email may be filed with the objection);
- 3) when multiple names are listed on an objection, identification of the lead objector (verification of the identity of the lead objector shall be provided upon request);
- 4) the name of the proposed project, the name and title of the Responsible Official, and the name(s) of the National Forest(s) and/or Ranger District(s) on which the proposed project will be implemented; and
- 5) a description of those aspects of the proposed project addressed by the objection, including specific issues related to the proposed project if applicable, how the objector believes the environmental analysis or draft decision specifically violates law, regulation, or policy; suggested remedies that would resolve the objection; supporting reasons for the reviewing officer to consider; and
- 6) a statement that demonstrates connection between prior specific written comments on the particular proposed project or activity and the content of the objection.

Individual members of organizations must have submitted their own comments to meet the requirements of eligibility as an individual. Objections received on behalf of an organization are considered as those of the organization only. If an objection is submitted on behalf of a number of individuals or organizations, each individual or organization listed must meet the eligibility requirement (36 CFR 218.7).

## Implementation Date

If objections are received, I may not sign the Decision Notice until the Reviewing Officer has responded in writing to all pending objections. Based on the discussions and findings in that review, I will issue a final decision. My decision will be consistent with the final review on the project.

If no objections are received, I may sign the Decision Notice five business days after the close of the objection filing period. Implementation may begin immediately after the decision notice is signed.

Implementation will occur in phases over several years, depending on available budgets, contractor schedules, weather conditions, and other unpredictable factors.

## Contact

For additional information concerning this decision, project details, to obtain a copy of the EA or draft DN/FONSI, or to obtain information about the Forest Service objection process, contact James Simino or Cam Hooley at Columbine Ranger District, POB 439, Bayfield, CO 81122, (970) 884-2512.

You may download the EA and other relevant documents from <https://www.fs.usda.gov/project/?project=55305>



Figure 1. Baldy Mountain Decision Notice Project Area.

